

**REMARKS**

Initially, in the Office Action dated October 1, 2004, the Examiner rejects claims 1-7, 10 and 11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,463,454 (Lumelsky et al.). Claims 8 and 9 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,088,805 (Davis et al.).

By the present response, Applicant has submitted new claims 12-18 for consideration by the Examiner and submits that these claims do not contain any prohibited new matter. Further, Applicant has canceled claims 1-4 without disclaimer. Applicant has amended claims 5-11 to further clarify the invention. Claims 5-18 remain pending in the present application.

**35 U.S.C. §102 Rejections**

Claims 1-7, 10 and 11 have been rejected under 35 U.S.C. §102(e) as being anticipated by Lumelsky et al. Applicant has canceled claims 1-4, therefore, rendering these rejections moot. Applicant respectfully traverses these rejections as to claims 5-7, 10 and 11.

Lumelsky et al. discloses methods to dynamically shape both demand and capacity based on certain criteria. Methods to dynamically shape demand for an object are provided based on criteria such as arrival time, incoming geography, and cost measurements. Future demand is characterized for an object based on aggregation and forecasting of past demand for such object. The system effectively permits control and customization of capacity across one or more media servers

based on characteristics associated with the demand across one or more of them, and particularly, based on the dominating geographical traits of past demand.

Regarding claims 1 and 7, Applicant submits that Lumelsky et al. does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, an apparatus for distributing contents to a client that includes an apparatus for storing the received contents, and an apparatus for transmitting the contents to the client in accordance with a request from the client. Applicant asserts that the Examiner has issued improper rejections in that for a proper §102 rejection, the Examiner is required to specifically point where in the cited reference each and every limitation in the claims is disclosed. The Examiner summarily asserts that Lumelsky et al. discloses all limitations in the claims of the present application at col. 12, lines 4-15 and col. 13, lines 1-67. However, these portions of Lumelsky et al. merely disclose details regarding the controller device including the demand analysis model, the replica management module, the capacity analysis module, and the several mechanisms implemented by the controller device to dynamically reshape demand according to immediate capacity. Lumelsky et al., nor the controller, disclose or suggest an apparatus for storing the received contents, or an apparatus for transmitting the contents to a client in accordance with a request from the client, as recited in the claims of the present application. These portions of Lumelsky et al. merely disclose the controller and its functioning to dynamically shape demand and capacity based on certain criteria. Lumelsky et al. does not disclose or suggest storing the received contents. Moreover, Lumelsky et al. does not disclose or

suggest transmitting the contents to a client in accordance with a request from the client.

Regarding claims 6, 10, 11 and new claims 12-18, Applicant submits that these claims are dependent on one of independent claims 5 and 7 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, Lumelsky et al. does not disclose or suggest where both a first contents distribution apparatus and a second contents distribution apparatus are the contents distribution apparatus, and the first contents distribution apparatus transmits first contents acquired from a neighboring server to the second contents distribution apparatus, and the second contents distribution apparatus transmits second contents acquired from a neighboring server to the first contents distribution apparatus, or where the apparatus receives the contents from the server in a time zone when there is sufficient network bandwidth, or where the apparatus distributes the contents to the client only when distribution of the contents to the client is permitted.

Accordingly, Applicant submits that Lumelsky et al. does not disclose or suggest the limitations in the combination of each of claims 5-7, 10, 11 and new claims 12-18 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 8 and 9 have been rejected under 35 U.S.C. §102(e) as being anticipated by Davis et al. Applicant respectfully traverses these rejections.

Davis et al. discloses authenticating client requests to access server resources. A server receives a certificate containing multiple data fields associated with the client making a request. The server selects data from at least one of the certificate data fields and filters the selected data using at least one predefined filter rule associated with the requested server resources to authenticate the client request. Combinations of filter rules may be utilized and the server may select data from various combinations of data fields.

Regarding claim 8, Applicant submits that Davis et al. does not disclose or suggest the limitations in the combination of this claim of, inter alia, an apparatus for distributing contents to a client that includes an apparatus for storing the received contents, and an apparatus for transmitting the contents to the client in accordance with a request from the client. Again as noted previously, the Examiner summarily asserts that Davis et al. discloses all the limitations in the claim of the present application on pages 7-9. However, these portions of Davis et al. merely disclose the details on authentication based on subfields as well as some examples of this process. Davis et al. does not disclose or suggest an apparatus for storing the received contents, as recited in the claims of the present application. Further, Davis et al. does not disclose or suggest an apparatus for transmitting the contents to the client in accordance with a request from the client. Davis et al. merely relates to authenticating a client request to access server resources. Davis et al. does not disclose or suggest the limitations in the claims of the present application.

Regarding claim 9, Applicant submits that this claim is dependent on independent claim 8 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. For example, Applicant submits that Davis et al. does not disclose or suggest where the contents are encrypted and an entry which registers the decryption key of the contents exists in the database, and the server manages the decryption key where the apparatus includes an apparatus for requesting the decryption key from the server which manages the decryption key, or the decryption key being requested from the server by the apparatus for requesting the decryption key, received from the server by the apparatus for receiving the decryption key, registered in the database by the database access apparatus, and distributed to the client by the apparatus for distributing the decryption key.

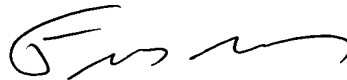
Accordingly, Applicant submits that Davis et al. does not disclose or suggest the limitations in the combination of each of claims 8 and 9 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 5-18 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 520.40551X00).

Respectfully submitted,

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